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10 Attorneys for Plaintiff  
11 United States of America

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14 IN THE UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA

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17 UNITED STATES OF AMERICA,  
18 Plaintiff,  
19 v.  
20 DAVID GARCIA,  
21 Defendant.

22 CASE NO. 1:22-CR-00308-ADA-BAM  
23 STIPULATION REGARDING EXCLUDABLE  
24 TIME PERIODS UNDER SPEEDY TRIAL ACT;  
25 ORDER  
26 CURRENT DATE: June 14, 2023  
27 TIME: 1:00 p.m.  
28 COURT: Hon. Barbara A. McAuliffe

29  
30 STIPULATION

31 Plaintiff United States of America, by and through its counsel of record, and DAVID GARCIA,  
32 by and through defendant's counsel of record, Robert Lamanuzzi, hereby stipulate as follows:

33 1. By previous order, this matter was set for status on June 14, 2023.

34 2. By this stipulation, defendant now moves to continue the status conference until  
35 September 13, 2023, and to exclude time between June 14, 2023, and September 13, 2023, under 18  
36 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

37 3. While the parties anticipate that the case may resolve without a trial, this is not yet a  
38 certainty. If defendant ultimately does not enter a guilty plea and decides to proceed to trial, the parties  
39 agree and stipulate, and request that the Court find the following:

40 a) The government asserts the discovery in this matter has been provided to counsel.

41 The government is aware of its ongoing discovery obligations.

- b) The government provided a plea offer on June 8, 2023.

c) Counsel for the defendant desires additional time to consult with his client, to the current charges, to conduct investigation and research related to the charges, to review copy discovery for this matter, to discuss potential resolutions with his client, to prepare all motions, and to otherwise prepare for trial. Defense counsel recently attempted to meet his client, but encountered some scheduling issues and the meeting did not occur.

d) Counsel for defendant believes that failure to grant the above-requested  
redundancy would deny them the reasonable time necessary for effective preparation, taking into  
account the exercise of due diligence.

e) The government does not object to the continuance.

f) Based on the above-stated findings, the ends of justice served by continuing the trial date prescribed by the Speedy Trial Act.

g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, , within which trial must commence, the time period of June 14, 2023 to September 13, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code because it results from a continuance granted by the Court at defendant's request on the of the Court's finding that the ends of justice served by taking such action outweigh the terest of the public and the defendant in a speedy trial.

[Remainder of page intentionally left blank.]

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

## IT IS SO STIPULATED.

Dated: June 8, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ KIMBERLY A. SANCHEZ  
KIMBERLY A. SANCHEZ  
Assistant United States Attorney

Dated: June 8, 2023

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/s/ Robert Lamanuzzi  
Robert Lamanuzzi  
Counsel for Defendant

## ORDER

IT IS SO ORDERED that the status conference is continued from June 14, 2023, to **September 13, 2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **June 8, 2023**

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE